

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Michael S. Rust and Kim R. Rust,
as personal representatives of the Estate
of Philip M. Rust and in their individual
capacities,

Plaintiffs,

vs.

Forest Laboratories, Inc.,
Forest Pharmaceuticals, Inc., and
Does 1 through 50,

Defendants.

**ORDER RE MOTION TO STAY
AND VACATE SCHEDULING
ORDER**

Case No. 4:05-cv-080

Before the court is the parties joint motion to stay discovery and vacate the scheduling order pending the Judicial Panel on Multidistrict Litigation's ("Panel") ruling on Forest Laboratories, Inc.'s ("Forest") motion to create a multidistrict litigation.

Forest requested that the Panel transfer 12 cases to Judge William H. Barbour in the United States District Court for the Southern District of Mississippi. Forest requested the transfer because of the number of cases involved, the potential voluminous record, and the common questions of fact.

Because the parties have shown good cause, the court hereby **GRANTS** the parties' joint motion to stay discovery and vacate the scheduling order. (Docket No. 28). The case shall be stayed until the Panel has issued its decision regarding the multidistrict litigation and all dates and deadlines in the scheduling order are vacated. The parties shall keep the court apprised of the Panel's decision and when it would be appropriate to lift the stay.

Dated this 20th day of December, 2005.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge